

**RESOLUTION NO. 2018-046**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK,  
CALIFORNIA, DENYING THE APPEAL, UPHOLDING THE PLANNING  
COMMISSION'S DECISION AND DENYING A CONDITIONAL USE PERMIT FOR  
LIVE ENTERTAINMENT AT LUDUKA'S CAFÉ (FILE NO. PLAL18-0001),  
7285 SNYDER LANE, SUITE A (APN 158-202-036)**

**WHEREAS**, the applicant, Carlos Ortiz of Luduka's Café, filed Planning Application No. PLUP17-0005 for a Conditional Use Permit for live entertainment (karaoke) at Luduka's Café, 7285 Snyder Lane, Suite A (APN 158-202-036), in accordance with the City of Rohnert Park Municipal Code; and

**WHEREAS**, Planning Application No. PLUP17-0005 was processed in the time and manner prescribed by State and local law; and

**WHEREAS**, public hearing notices were transmitted to all property owners within a 300-foot radius of the subject property and to all agencies and interested parties as required by California State Planning Law, and a public hearing notice was published in the *Community Voice* for a minimum of 10 days prior to the public hearing; and

**WHEREAS**, on February 22, 2018, the Planning Commission reviewed Planning Application No. PLUP17-0005 at which time interested persons had an opportunity to testify either in support of or opposition to the project; and

**WHEREAS**, at the February 22, 2018, Planning Commission meeting, upon considering all testimony and arguments, if any, of all persons desiring to be heard, the Commission considered all the facts relating to Planning Application No. PLUP17-0005; and

**WHEREAS**, at the February 22, 2018, Planning Commission meeting, the Commission, by a 3-0 vote, adopted Resolution No. 2018-17, denying Planning Application No. PLUP17-0005; and

**WHEREAS**, on March 1, 2018, the Applicant, Carlos Ortiz, for Luduka's Café submitted a letter and application (PLAL18-0001) timely appealing Planning Commission Resolution No. 2018-17; and

**WHEREAS**, the appeal was processed in the time and manner prescribed by State and local law; and

**WHEREAS**, public hearing notices were transmitted to all property owners within a 300-foot radius of the subject property and to all agencies and interested parties as required by California State Planning Law, and a public hearing notice was published in the *Community Voice* for a minimum of 10 days prior to the public hearing; and

**WHEREAS**, on April 10, 2018, the City Council reviewed Planning Application No. PLAL18-0001 at which time interested persons had an opportunity to testify either in support of or opposition to the appeal; and

**WHEREAS**, the City Council considered this Resolution at its duly noticed regular meeting on April 10, 2018.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROHNERT PARK DOES RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.** That the above recitations are true and correct.

**Section 2.** Findings. The City Council, in considering the Conditional Use Permit as part of Planning Appeal Application PLAL18-0001, makes the following findings with regard to the factors required to be considered under Section 17.25.014, based on the written and oral staff report, oral and written testimony, the record of the initial decision and any other evidence in the record of the proceedings:

- A. *The proposed location of the conditional use is not consistent with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located.*

Consideration of Factor does not Support the Conditional Use Permit. The objective of the Neighborhood Commercial district is to accommodate businesses that provide goods and services to nearby residential neighborhoods. While there may be some nearby residents who would take advantage of the live entertainment, the complaints received from neighbors demonstrate that the use is not providing goods or services to the neighborhood, but rather is incompatible with nearby residential development. In addition, Neighborhood Commercial areas are intended for less intensive uses than the Regional Commercial designation. The proposed use, which has created and would continue to create noise impacts, is not consistent with this purpose of Neighborhood Commercial.

- B. *That the proposed location of the Conditional Use and the conditions under which it would be operated or maintained will be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity, and the operation and maintenance of the Conditional Use will not be compatible with the surrounding uses.*

Consideration of Factor does not Support the Conditional Use Permit. As evidenced by complaints to both public safety and emails received from nearby neighbors, live entertainment at this location is detrimental to the public welfare in this area, is injurious to the peaceful enjoyment of property, and is not compatible with the surrounding uses. The commercial districts are designed to provide for the effective integration of commercial areas with adjacent uses, so that impacts related to traffic, noise, illumination and other potential concerns are minimized. The proposed use would be too concentrated,

incorrectly sited and oriented (in relation to adjoining residential space), and too intensive to be compatible with the surrounding residential uses. Given the close proximity to surrounding residences, impacts related to noise and other potential concerns cannot be effectively minimized in order to effectively integrate the use with adjacent residential areas. Further, the ongoing code compliance issues indicate that legalizing the entertainment use would be detrimental to the public health, safety and welfare.

C. *The proposed Conditional Use will not comply with the applicable provisions of this title.*

Consideration of Factor does not Support the Conditional Use Permit. The live entertainment would not comply with the applicable provisions of this title as it would not be of the use type that would be compatible with and dependent upon nearby residential developments.


**Section 3.** Based on the findings set forth above, which demonstrate the inability to make the findings required for a Conditional Use Permit in the Rohnert Park Municipal Code, the City Council does hereby deny the appeal, uphold the decision in Planning Commission Resolution No. 2018-17, Conditional Use Permit for live entertainment (karaoke) at 7285 Snyder Lane, and deny the Conditional Use Permit for live entertainment at Luduka's Cafe.

**DULY AND REGULARLY ADOPTED** on this 10<sup>th</sup> day of April, 2018.

**CITY OF ROHNERT PARK**

  
Pam Stafford, Mayor

**ATTEST:**

  
Caitlin Saldanha, Deputy City Clerk

AHANOTU: Aye BELFORTE: Aye MACKENZIE: Aye CALLINAN: Aye STAFFORD: Aye  
AYES: ( 5 ) NOES: ( 0 ) ABSENT: ( 0 ) ABSTAIN: ( 0 )